

PENNY WHITSON,)
)
Plaintiff,)
)
vs.) Case 07-5016-CV-SW-RED-P
)
RICHARD L. HILL, et al.,)
)
Defendants.)

This is a 42 U.S.C. § 1983 civil rights matter. On January 18, 2008, the Court entered its Order (Doc. No. 40) and Judgment (Doc. No. 41) granting defendants' joint motion for summary judgment (Doc. No. 29), and entering judgment in favor of defendants and against plaintiff. On February 4, 2008, plaintiff filed a notice of appeal (Doc. No. 42), and on February 25, 2008, she filed an affidavit (Doc. No. 44) in support of her request for leave to proceed in forma pauperis on appeal, as well as updated account information (Doc. No. 45).

Under 28 U.S.C. § 1915(a)(3) (as amended Apr. 26, 1996), an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith. See Fed. R. App.

P. 24(a). Good faith requires that petitioner's argument on appeal must not be frivolous. Coppedge v. United States, 369 U.S. 438, 445 (1962).

Because a review of the file and records in this case reveals that the issues sought to be presented are plainly frivolous, it is **ORDERED** that plaintiff is denied leave to proceed in forma pauperis on appeal.

It is further **ORDERED** that plaintiff either must pay the \$455.00 appellate filing and docketing fees or renew her application for leave to proceed in forma pauperis with the United States Court of Appeals for the Eighth Circuit within the time set forth in Fed. R. App. P. 24(a) if she seeks to proceed with this appeal.

/s/ Richard E. Dorr
RICHARD E. DORR
UNITED STATES DISTRICT JUDGE

Springfield, Missouri,

Dated: February 28, 2008.